THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26574 of 2006

ORAL ORDER:

This writ petition is filed questioning the order passed by the Under Secretary, Government of India, Ministry of Labour in Letter No. L-11011/4/2005-IR(M) dated 16.11.2005, whereunder the petitioner was informed that the Ministry does not consider the dispute fit for adjudication on the ground that there is no provision in the relevant rules by which the management could have agreed to the request of the union for special casual leave & T.A.

It appears, petitioner-Union raised a dispute before the Conciliation Officer/Assistant Labour Commissioner, Hyderabad for the purpose of extending certain benefits i.e. special casual leave and T.A. and on submission of failure report by the Assistant Labour Commissioner through his letter No.8(4)/2005-E2 dated 10.6.2005, the matter was referred to the Ministry of Labour for being considered for referring the matter to the Industrial Tribunal. Vide the impugned letter dated 16.11.2005, the Ministry of Labour felt that it is not a dispute fit for adjudication, therefore, refused to refer the matter to the Industrial Tribunal under Section 10 of the I.D. Act. Hence the writ petition.

Ex-facie the reasons furnished in the impugned letter dated 16.11.2005 are illegal. The management and union can agree for any settlement even beyond statutory provisions governing the service conditions. This is a case where the union seems to have raised issues for extending certain benefits, such as, special casual leave and T.A. This can be very well settled between the parties under negotiations and if negotiations/conciliation fails, the matter could be very well referred to the Industrial Tribunal for its adjudication. Therefore, refusal of the dispute for adjudication to the Industrial Tribunal of this nature is arbitrary and illegal. Therefore, the impugned letter dated 16.11.2005 is set aside and the

respondents are directed to refer the matter for adjudication before the appropriate Industrial Tribunal within a period of one month from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 19.6.2007

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W.P.No.26574 of 2006

19.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.26574 of 2006

Date: 19th June, 2007

Between:

The Indian Airports Kamgar Union,
represented by its General Secretary,
R/o Hyderabad.

.. Petitioner

And

The Government of India,
Ministry of Labour and Employment,
represented by its Secretary,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.

.. Respondent